THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.290 of 2006

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DATED: 05-01-2006

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Between:

Smt. K.Audilakshmamma . . .Petitioner

and

The Govt. of AP and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.290 of 2006

O R D E R:

The petitioner was appointed as Sweeper-cum-Gardener in Government Junior College. It was against a vacancy reserved in favour of Scheduled Tribe. The petitioner based her claim on a caste certificate, dated 14-12-2000, issued by the Mandal Revenue Officer, Vetapalem.

On receiving complaints about the genuineness of the caste certificate obtained

by the petitioner, the District Collector, Prakasam, the second respondent herein, initiated proceedings under the provisions of Andhra Pradesh (Schedule Caste, Schedule Tribe and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. The matter was enquired into by the District Level Scrutiny Committee. Ultimately through orders, dated 17-09-2004, the second respondent cancelled the caste certificate of the petitioner.

The petitioner preferred an appeal before the first respondent against the orders, dated 17-09-2004. She also filed an application for stay. The first respondent rejected the application for stay, through proceedings, dated 06-12-2004. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and learned Government Pleader for Social Welfare.

The petitioner approached this Court, more than a year after her application for stay was rejected. This Court would have certainly considered the feasibility of granting stay, had she been in service. It is not in dispute that the petitioner was removed from service on
29-03-2005. For all practical purposes, the order passed by the second respondent was implemented. At this point of time, any order of stay may not enure to the benefit of the petitioner. The appeal has virtually become ripe for disposal. The first respondent can be required to expedite the hearing of the appeal.

Hence, the writ petition is disposed of, directing the first respondent to pass appropriate orders in the appeal preferred by the petitioner, within a period of three months from the date of receipt of a copy of this order. However, it shall be open to the petitioner to urge all factual and legal contentions before the first respondent. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

5th DECEMBER, 2006.

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